

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NIL GOVIND DAS , et al.

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Plaintiffs,

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v.

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CIVIL ACTION

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NO. 1:16-CV-1367-LMM

BERT BRANTLEY, in his
official capacity as Commissioner
of the Ga. Dep't of Driver Serv.s,

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Defendant.

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DEFENDANT BRANTLEY'S PRE-ANSWER MOTION TO DISMISS

COME NOW Defendant, Bert Brantley, in his official capacity as Commissioner of the Georgia Department of Driver Services ("DDS"), by and through Counsel, Samuel S. Olens, Attorney General for the State of Georgia, and without waiving any defense, files this Pre-Answer Motion to Dismiss the Complaint. Plaintiff has failed to state a claim upon which the requested relief may be granted. In addition, Plaintiff's claims are moot. Defendant's argument is supported in his Brief in Support of the Pre-Answer Motion to Dismiss, filed concurrently herewith. Defendant respectfully requests this Court dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and on the ground of mootness.

Respectfully submitted this 17th day of May, 2016.

SAMUEL S. OLENS	551540
Attorney General	

BETH BURTON	027500
Deputy Attorney General	

<u>s/Joseph Drolet</u>	
JOSEPH DROLET	231000
Senior Assistant Attorney General	

<u>s/Amy Radley</u>	
AMY RADLEY	400570
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CERTIFICATION AS TO FONT

Pursuant to N.D. Ga. Local Rule 7.1 D, I hereby certify that this document is submitted in Times New Roman 14 point type as required by to N.D. Ga. Local Rule 5.1(b).

This the 17th day of May, 2016.

s/Amy Radley
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2016, I electronically filed DEFENDANT BRANTLEY'S PRE-ANSWER MOTION TO DISMISS, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Gillian Gillers
Kristi L. Graunke
Naomi R. Tsu
Southern Poverty Law Center
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Justin Chaney
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Atlanta, GA 30309

This the 17th day of May, 2016.

s/Amy Radley
Assistant Attorney General